

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV2020-014248

11/12/2020

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT  
P. McKinley  
Deputy

DONALD J TRUMP FOR PRESIDENT INC., ET AL      THOMAS J. BASILE

v.

KATIE HOBBS, ET AL

ROOPALI HARDIN DESAI

SARAH R GONSKI  
KORY A LANGHOFER  
JOSEPH I VIGIL  
JOSEPH EUGENE LA RUE  
DANIEL A ARELLANO  
EMILY M CRAIGER  
THOMAS PURCELL LIDDY  
BRUCE E SAMUELS  
TIMOTHY A LA SOTA  
COURT ADMIN-CIVIL-ARB DESK  
DOCKET-CIVIL-CCC  
JUDGE KILEY

**MINUTE ENTRY**

East Court Building – Courtroom 911

Prior to commencement of today's proceedings, Plaintiffs' (electronic) Exhibits 1 through 14 and 16 through 25, and Maricopa County Defendants' (paper) Exhibits 30 through 42 are marked for identification.

**LET THE RECORD REFLECT** the following Exhibit numbers have not been utilized in this case and have been designated "unused": 15 and 26-29.

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9:31 a.m. This is the time set for a virtual Evidentiary Hearing and Oral Argument. Plaintiffs Donald J. Trump for President, Inc., Republican National Committee and The Arizona Republican Party are represented by counsel, Kory Langhofer and Thomas Basile. Plaintiffs' client representative, Matt Whitaker, is also present. Defendant Katie Hobbs (in her official capacity as the Arizona Secretary of State) ("Defendant Secretary of State") is represented by counsel, Roopali Hardin Desai, D. Andrew Gaona and Kristen Yost. Defendant Secretary of State's client representative, Sambo "Bo" Dul, is present. Defendant Adrian Fontes (in his official capacity as the Maricopa County Recorder) and Defendants Jack Sellers; Steve Chucuri; Clint Hickman; Bill Gates and Steve Gallardo (in their official capacities as members of the Board of Supervisors for Maricopa County) (collectively, the "Maricopa County Defendants") are represented by counsel, Thomas P. Liddy, Joseph LaRue and Emily Craiger. Intervenor Defendant Arizona Democratic Party ("Intervenor ADP") is represented by counsel, Sarah R. Gonski and Daniel Arellano. All appearances are virtual via the GoToMeeting platform.

A record of the proceedings is made digitally in lieu of a court reporter.

**LET THE RECORD REFLECT** a witness, Luciano Amoroso, is also present virtually.

The Court advises the parties that Exhibits have been received from and marked for Plaintiffs and the Maricopa County Defendants only. The parties confirm that no other party has submitted Exhibits.

The Court has reviewed the parties' pre-hearing memoranda and commends counsel for their work.

The Court has received and considered the Maricopa County Defendants' Motion to Supplement Exhibit List, filed November 11, 2020.

Following discussion and there being no objection,

**IT IS ORDERED** granting the Maricopa County Defendants' Motion to Supplement Exhibit List.

**LET THE RECORD REFLECT** Maricopa County Defendants' Exhibit 42 was previously marked for identification prior to the hearing commencing.

The Court is in receipt of Arizona Free Enterprise Club and Arizona Public Integrity Alliance's Motion to File Amici Curiae Brief in Support of the Plaintiffs, and the attached Amici Curiae Brief, filed November 11, 2020.

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Following discussion and there being no objection,

**IT IS ORDERED** granting Arizona Free Enterprise Club and Arizona Public Integrity Alliance's Motion to File Amici Curiae Brief in Support of the Plaintiffs.

Hearing matters are discussed. The Court has received the parties' various Motions to Dismiss and informs counsel that it is inclined to take those Motions under advisement at the conclusion of today's hearing.

At the request of Defendant Secretary of State, the Rule of Exclusion of Witnesses is hereby invoked.

9:39 a.m. Witness Amorosa is excused from the hearing until the time of his testimony.

The Court indicates that as the Rule of Exclusion of Witnesses has been invoked, no witnesses may remain on the conference line and may not listen to the proceedings until they are called to testify.

The Court has reviewed and considered Defendant Secretary of State's Motion *in Limine* Regarding Plaintiffs' Exhibits 3 and 4, filed November 11, 2020, to which no response has been received.

Argument is presented.

For the reasons stated on the record,

**IT IS ORDERED** granting Defendant Secretary of State's Motion *in Limine* Regarding Plaintiffs' Exhibits 3 and 4. Those exhibits will not be admitted.

Opening statements are presented by all parties except for Intervenor ADP as Intervenor ADP reserves its argument until Closing Arguments.

The Court has received and considered The Lincoln Project's Motion for Leave to File Amicus Curiae Brief, filed November 10, 2020.

Argument is presented.

**IT IS ORDERED** granting The Lincoln Project's Motion for Leave to File Amicus Curiae Brief over the Maricopa County Defendants' objection.

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Plaintiffs' case:

**LET THE RECORD REFLECT**, by agreement of the parties, counsel for Maricopa County Defendants will conduct the direct examination of Witness Jarrett.

Scott Jarrett is sworn and testifies virtually.

Maricopa County Defendants' Exhibit 38 is received in evidence.

The Court is informed there is a technical issue with the Court's public access line. The Court will recess in order to address the issue.

10:45 a.m. Court stands at recess.

11:01 a.m. Court reconvenes with respective counsel and the party representatives present appearing virtually and/or telephonically via the GoToMeeting platform.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court informs counsel the technical issues with the public access line continue and additional time is needed to remedy same.

11:03 a.m. Court stands are recess.

12:31 p.m. Court reconvenes with respective counsel and the party representatives present appearing virtually and/or telephonically via the GoToMeeting platform.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court advises counsel that the public access line is functioning.

The Court addresses counsel as to Exhibits 3 and 4, which will be retained for appeal/record purposes only and are not being admitted into evidence. The marked version of Exhibit 3 includes certain individuals' Social Security numbers, full dates of birth, and/or signatures. Counsel for Plaintiffs states he will provide the Court with a revised Exhibit 3, with this information redacted, to be substituted in the record.

The Court provides an update as to the parties' allotted hearing time.

Scott Jarrett continues testifying virtually.

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Maricopa County Defendants' Exhibit 36 is received in evidence.

Maricopa County Defendants' Exhibit 31 is received in evidence.

Maricopa County Defendants' Exhibit 30 is received in evidence.

Maricopa County Defendants' Exhibit 35 is received in evidence.

Maricopa County Defendants' Exhibit 32 is received in evidence.

Maricopa County Defendants' Exhibit 42 is received in evidence.

On motion of Defendant Secretary of State, Maricopa County Defendants' Exhibit 34 is received in evidence.

On motion of Intervenor ADP, Maricopa County Defendants' Exhibit 39 is received in evidence.

On motion of Intervenor ADP, Maricopa County Defendants' Exhibit 41 is received in evidence.

The witness is excused, subject to recall.

Laura Christians is sworn and testifies telephonically.

The witness is excused.

Luciano Amoroso is sworn and testifies virtually.

The witness is excused.

James Joy is sworn and testifies virtually.

The witness is excused.

Michelle Masters is sworn and testifies virtually.

The witness is excused.

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Mia Barcello is sworn and testifies telephonically.

The witness is excused.

Cory Edward Bones is sworn and testifies telephonically.

The witness is excused.

Hearing time usage is reviewed.

2:55 p.m. The Court stands at recess.

3:06 p.m. Court reconvenes with respective counsel and the party representatives present appearing virtually and/or telephonically via the GoToMeeting platform.

A record of the proceedings is made digitally in lieu of a court reporter.

Counsel for Defendant Secretary of State objects to the Plaintiffs' next witness, Zack Alcyone, as well as two other witnesses: Ken Nunnenkamp and Levi Sommerville.

Argument is presented.

Plaintiffs' counsel clarifies that he is not calling Mr. Sommerville.

The Court overrules the objections to the witnesses discussed.

Zack Alcyone is sworn and testifies telephonically.

Counsel for the Secretary of State requests disclosure of documents referenced by Mr. Alcyone. Discussion is held as to same.

**IT IS ORDERED** denying Defendant Secretary of State's request for disclosure of additional documents at this point in the proceedings.

The witness continues testifying.

The witness is excused.

Plaintiffs rest.

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Plaintiffs having now electronically submitted a redacted version of Exhibit 3,

**IT IS ORDERED** substituting the redacted version of Exhibit 3 in place and stead of the Exhibit 3 originally marked in this matter.

**LET THE RECORD FURTHER REFLECT**, pursuant to the Notice provided in the minute entry dated November 9, 2020,

Plaintiffs' original Exhibit 3 is disposed.

The Maricopa County Defendants' case:

Kelly Dixon is sworn and testifies virtually.

Maricopa County Defendants' Exhibit 40 is received in evidence.

Maricopa County Defendants' Exhibit 37 is received in evidence.

The witness is excused.

Maricopa County Defendants rest.

Defendant Secretary of State's case:

Gina Swoboda is sworn and testifies virtually.

Discussion is held regarding the parties' allotted hearing time.

**IT IS ORDERED** allocating Plaintiffs, the Maricopa County Defendants and Intervenor ADP an additional 15 minutes each of hearing time.

The witness continues testifying.

The witness is excused.

All parties rest.

Combined closing arguments and oral arguments on the pending Motions to Dismiss are presented.

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**IT IS ORDERED** taking under advisement today's Evidentiary Hearing and the following Motions: Defendant Secretary of State's Motion to Dismiss, Maricopa County Defendants' Motion to Dismiss and Intervenor ADP's Motion to Dismiss Plaintiffs' Complaint, all filed November 10, 2020.

**LET THE RECORD REFLECT**, this matter having been taken under advisement, there being no further need to retain the Exhibits not offered in evidence in the custody of the Clerk of Court, pursuant to the Notice provided in the minute entry dated 11/9/2020, and there being no objection by any party, Plaintiffs' Exhibits 1-2, 5-14 and 16-25 and the Maricopa County Defendants' Exhibit 33 are disposed.

5:35 p.m. Matter concludes.